In The High Court of Uttaranchal, at Nainital.

Writ Petition No. 05/2004 (S/B)

Satya Pal Singh S/o Lalla Singh,
Head Constable Police Chowki
Dineshpur, Rudrapur
District Udham Singh Nagar ……. Petitioner.

Versus

Public Service Tribunal,
Camp at Nainital …. Respondent.

Sri C.K. Sharma, learned counsel for the petitioner.
Sri K.P. Upadhyaya, learned S.C. for the respondent.

Coram: Hon'ble P.C.Verma, J.
Hon'ble B.C. Kandpal, J.
Dated: 22-04-2006

The writ petition has been filed, claiming the relief to issue a writ in the nature of certiorari quashing the impugned order dated 27-10-2003 (Annexure No. 1 to the writ petition), passed by the respondent, i.e. Public Service tribunal,

2- Brief facts of the case are that the petitioner challenged the order of punishment awarded by the Senior Superintendent of Police. He moved and appeal before the Deputy Inspector General of Police, and the same was also dismissed on 16-5-1997.The petitioner again preferred the revision against the aforesaid order passed by the Deputy Inspector General of Police and the same was also dismissed by the Inspector General of Police, Bareilly.

3- The petitioner thereafter moved a claim petition before the State Public Service Tribunal, Lucknow and the same was transferred to the State Public Service Tribunal, Dehradun after the creation of the new State.

4- The petitioner has averred in the writ petition that on account of his absence on the dated fixed before the Public Service Tribunal Dehradun, his claim petition has been dismissed on 22-3-2002.

5- The petitioner thereafter moved an application for setting aside the order dated 22.03.2002 before the Public Service Tribunal, but the same was also dismissed on 27-10-2003.

6- Feeling aggrieved by the aforesaid order, the petitioner has preferred this writ petition before this court for quashing the impugned order dated 27-10-2003 (Annexure-1 to this writ petition).

7- Heard learned counsel for the parties and perused the record.

8- It reveals from the record that the petitioner did not have any knowledge about the transfer of the case from Lucknow to Uttaranchal. The Tribunal should have taken a liberal view in disposing the application filed by the petitioner for setting aside the order dated 22-3-2002 as the claim petition filed by the petitioner should have been decided after giving the petitioner an opportunity of being heard on merits. The Courts should not be so rigid in dsposal of these types of application and should adopt the approach to adjudicate the matter on merits.

9- We, therefore, set aside the order dated 27-10-2003 passed by the Public Service Tribunal, and issue the writ of certiorari, quashing the impugned order dated 27-10-2003 (Annexure No. 1 to the writ petition) and direct the Public Service Tribunal, Uttaranchal to decide the claim petition of the petitioner on merit.

10- With the aforesaid observation, the writ petition is allowed.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

ISB